

**STATE OF ILLINOIS
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST)	
FOR REVIEW BY:)	CHARGE NO.: 2009SP4198
)	EEOC NO.: N/A
PAULA JOHNSON)	ALS NO.: 09-0561
)	
Petitioner.)	

ORDER

This matter coming before the Commission by a panel of three, Commissioners Marti Baricevic, Robert S. Enriquez, and Gregory Simoncini, presiding, upon Paula Johnson's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")¹ of Charge No. 2009SP4198; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

LACK OF SUBSTANTIAL EVIDENCE

In support of which determination the Commission states the following findings of fact and reasons:

1. On June 12, 2008, the Petitioner filed a charge of discrimination with the Respondent. The Petitioner alleged that St. Clair County ("County"), disposed of, destroyed, and/or discarded her application for a "Disabled Person's Homestead Exemption" ("Application"), in retaliation for having opposed unlawful discrimination, in violation of Section 6-101(A) of the Illinois Human Rights Act (the "Act"). On September 4, 2009, the Respondent dismissed the Complainant's charge for Lack of Jurisdiction. On October 7, 2009, the Petitioner filed a timely Request.
2. The Petitioner alleged the County destroyed her Application on March 31, 2009, nine months after the Petitioner had filed her charge with the Respondent. The County submitted evidence to the Respondent that it had received the Petitioner's Application on March 25, 2009, and that the Application had been processed and approved.

¹ In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge who is requesting review of the Department's action shall be referred to as the "Petitioner."

3. Thereafter, the Respondent did not further investigate the merits of the Petitioner's charge, nor make a determination as to the whether or not there was substantial evidence of retaliation.

Rather, the Respondent dismissed the Petitioner's charge based on its determination that the Respondent lacked jurisdiction to investigate the charge because the County was not a... "place of public accommodation," as defined by Section 5-101(A) of the Act.

4. In her Request the Petitioner argues the Respondent violated her rights by dismissing the charge, that an arbitration file was stolen, that the Respondent is liable for harm caused to her by the County, and that she will pursue further disciplinary action and relief.
5. In its response, the Respondent asserts the Commission should sustain the dismissal for lack of jurisdiction.

Conclusion

The Commission concludes that the dismissal of the Petitioner's charge should be sustained for lack of substantial evidence rather than for lack of jurisdiction. Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747, * 2 (March 7, 1995)(1995 WL 793258).

In this case, the information gathered by the Respondent prior to its dismissal is sufficient to demonstrate that the Petitioner's charge is simply unsubstantiated. The County produced evidence contrary to the Petitioner's belief, that her Application had not been destroyed by the County, and in fact had been processed by the County. Therefore, because there is no evidence the alleged adverse action ever occurred, there is no substantial evidence of retaliation.

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

THEREFORE, IT IS HEREBY ORDERED THAT:

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and

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St. Clair County, as Respondents, with the Clerk of the Appellate Court within 35 days after the date of service of this order.

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Entered this 28th day of April 2010.

Commissioner Marti Baricevic

Commissioner Robert S. Enriquez

Commissioner Gregory Simoncini